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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/493,338 | 01/28/2000 | Jerome D. Toporek | 16625-001110US | 2127 |
| 7590 | 12/07/2004 | | EXAMINER | |
| Roger T. Barrett Townsend and Townsend and Crew, LLP Two Embarcadero Center, 8th Floor San Francisco, CA 94111-3834 | | | PHILPOTT, JUSTIN M | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2665 | |

DATE MAILED: 12/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/493,338

Applicant(s)

TOPOREK ET AL.

Examiner

Justin M Philpott

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 September 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-13 and 22-37 is/are pending in the application.
- 4a) Of the above claim(s) 27-32 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,3-8,23-26 and 33-36 is/are allowed.
- 6) ☒ Claim(s) 9-13,22 and 37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 20040607.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, see pages 11-15, filed September 2, 2004, with respect to the rejection of claims 1, 3-8 and 23-26 under 35 U.S.C. 103(a) and with respect to new claims 33-36 have been fully considered and are persuasive in view of the new amendments to independent claims 1 and 23. Therefore, the rejection has been withdrawn.
2. Applicant's arguments with respect to claims 9-13, 22 and 37 have been considered but are moot in view of the new ground(s) of rejection under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,415,329 to Gelman et al. in view of U.S. Patent No. 5,995,726 to Dillon.

Election/Restrictions

3. Applicant's traversal of the election by original presentation of claims 1, 3-13 and 22-26, with new claims 27-32 having been withdrawn, in the reply filed on September 2, 2004 is acknowledged. The traversal is on the grounds that "the use of the limitations directed to buffering [introduced in new claims 27-29] should not change the scope of Examiner's search" since "Gelman mentions buffering as well" (page 11); and that claims 30-32 comprise a limitation of acknowledgements that, while admittedly distinct from the other claims, are "similar to" an acknowledgement recited in claim 12 (page 11) and thus, should be additionally examined by the Examiner.

This is not found persuasive because, as discussed in the previous office action, independent claims 1, 9, 23 and 25, and their respective dependent claims, are directed towards

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establishing a connection between first and second gateways without utilizing buffering and repacketization, and without transmitting a first connection acknowledgement to a client after a third communication connection between a second apparatus and server is formed. As also previously discussed, newly submitted claims 27-32 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: independent claim 27, and dependent claims 28 and 29, recites a processor for buffering information received over the connection from a second apparatus and for sending a repacketized flow of information to a client; and independent claim 30, and dependent claims 31 and 32, recites a processor for transmitting a first connection acknowledgement to a client after a third communication connection between a second apparatus and server is formed. Thus, new claims 27-32 are directed to a different invention than the previously examined claims. Accordingly, the requirement is still deemed proper and is therefore made FINAL.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 9-13, 22 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,415,329 to Gelman et al. in view of U.S. Patent No. 5,995,726 to Dillon.

Regarding claims 9 and 22, Gelman teaches a communication apparatus (e.g., FIG. 1) for transmitting packetized information, comprising a plurality of packets, each comprising data and

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a header, over a satellite link (e.g., 14) in a telecommunications system comprising a client (e.g., source/client 10; see also col. 7, line 31-32 regarding client/source), a server (e.g., destination/server 18; see also col. 7, lines 32-33 regarding destination/server), a first gateway (e.g., 12) connected to the client (e.g., 10) by a first telecommunications link (e.g., 20), a second gateway (e.g., 16) connected to the server by a second telecommunications link (e.g., 24), and a third telecommunications link (e.g., 22) connecting the first gateway (e.g., 12) to the second gateway (e.g., 16), and the apparatus comprising: a TCP network interface (e.g., 260 in FIG. 12) for linking the first gateway (e.g., CG) with the client (e.g., CLIENT); a satellite gateway interface (e.g., 262); a system memory (e.g., stored translation table; see col. 17, lines 29-44); and a bus (e.g., 301) interconnecting the network interface (e.g., 260), the satellite gateway interface (e.g., 262), and the system memory with a processor (e.g., SNAT module), the processor operatively disposed to: intercept a connection with the server (e.g., 18) initiated by the client (e.g., 10); establish a connection between the first gateway (e.g., 12) and the second gateway (e.g., 16) over the third telecommunications link; and provide a bi-directional flow of information from the client (e.g., 10) to the server (e.g., 18) and from the server (e.g., 18) to the client (e.g., 10) using the connection between the first gateway (e.g., 12) and the second gateway (e.g., 16), wherein the providing a bi-directional flow occurs transparently to the client and the server (e.g., see col. 8, line 59 – col. 12, line 16; and col. 17, line 22 – col. 20, line 14 regarding operation of SNAT module). However, Gelman may not specifically teach the first, second and third communication connections define a 1:1:1 connection relationship, for use with only communications between the client and the server.

Dillon also teaches an apparatus for satellite communications, and specifically, teaches communication connections define a 1:1:1 connection relationship, for use with only communications between the client (e.g., terminal 110) and the server (e.g., server 140) (e.g., see col. 1, line 54 – col. 2, line 25; and col. 4, line 44 – col. 6, line 48). The teachings of Dillon provide reduction of long propagation delays in a satellite communication system (e.g., see col. 1, lines 54-60). Thus, at the time of the invention it would have been obvious to one of ordinary skill in the art to apply the satellite teachings of Dillon to the satellite teachings of Gelman in order to provide reduction of long propagation delays in a satellite communication system (e.g., see col. 1, lines 54-60).

Regarding claim 10, Gelman teaches the information comprises a client address and a destination server address (e.g., see col. 26, lines 11-13 regarding addressing information; see also cols. 7-31).

Regarding claims 11 and 12, Gelman further teaches transmitting a response (e.g., `CONN_ACK`) from the second satellite gateway to the first satellite gateway, and from the first satellite gateway to the client, when the third communication connection with the destination server occurs (e.g., see col. 26, line 63 – col. 27, line 6).

Regarding claim 13, Gelman further teaches transmitting a failure response (e.g., `CONN_NAK`) from the first satellite gateway to the client when the third communication connection is lost (e.g., see col. 27, lines 7-16).

Regarding claim 37, Dillon teaches a response comprises a connection acknowledgement response (e.g., see col. 1, line 61 – col. 2, line 10 regarding ACK message). As discussed above, the teachings of Dillon provide reduction of long propagation delays in a satellite communication

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system (e.g., see col. 1, lines 54-60). Thus, at the time of the invention it would have been obvious to one of ordinary skill in the art to apply the satellite teachings of Dillon to the satellite teachings of Gelman in order to provide reduction of long propagation delays in a satellite communication system (e.g., see col. 1, lines 54-60).

Allowable Subject Matter

6. Claims 1, 3-8, 23-26 and 33-36 are allowed.

7. The following is an examiner's statement of reasons for allowance:

independent claims 1 and 23 are allowed for reasons discussed by Applicant in the Remarks (pages 11-15) filed September 2, 2004;

dependent claims 3-8, 24, 26 and 33-36 depend upon one of the allowed claims 1 and 23, and are therefore also allowed;

independent claim 25 is allowed for reasons discussed in the previous office action mailed June 2, 2004.

8. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

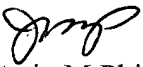
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Justin M Philpott whose telephone number is 571.272.3162. The examiner can normally be reached on M-F, 9:00am-5:00pm.

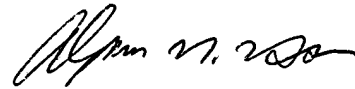
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy D Vu can be reached on 571.272.3155. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Justin M Philpott



ALPUS H. HSU
PRIMARY EXAMINER